THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.7912 of 2007

Dated:20.04.2007

Between:

Gorrela Srinivasa Rao.

... Petitioner

AND

Tahasildar and others.

... Respondents

THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.7912 of 2007

ORDER:

The petitioner alleges that he was assigned house site on 15.01.1999 where he constructed a residential hut. After elections in 2004 at the instance of Gram Panchayat, the first respondent allegedly exerted pressure on the petitioner to vacate the land so that Gram Panchayat could dig a bore-well. The petitioner so as to avoid any unpleasantness agreed to vacate the land on condition of assignment of alternative site and paying compensation for the hut. The petitioner alleges that on 11.03.2007, the first respondent came along with the Revenue Secretary and Sarpanch accompanied by Police and took away household articles and demolished the house without giving any notice, and without passing any orders. The petitioner, therefore, filed the instant Writ Petition on 16.04.2007 seeking a writ of mandamus declaring the action of the respondents as illegal and arbitrary, and for a consequential direction to the first respondent to allot alternative site.

The matter was initially heard on 17.04.2007. So as to enable the learned Assistant Government Pleader for Revenue (General-A) to get instructions, the same was adjourned. Today after getting instructions, the learned Assistant Government Pleader submits that action was initiated against the petitioner under the Andhra Pradesh Land Encroachment Act, 1905 (for short 'the Act'). After issuing notice under Section 7 of the Act dated 03.02.2007, an order was passed under Section 6 of the Act on 19.02.2007, and the land was taken into possession. He also submits that the first respondent is willing to allot alternate site to the petitioner, but the petitioner refused to accept the allotment.

Learned Assistant Government Pleader produced the file before this Court. A perusal of the same would substantiate the submission made by the learned Assistant Government Pleader. Therefore, this Court is not inclined to interfere in the matter.

If so advised, the petitioner may obtain a copy of the order under Section 6 of the Act and file an appeal under Section 10 of the Act. Now that the first respondent is

ready to allot alternate site, he may approach the first respondent for assignment of house site. The petitioner may also approach the respondents for return of the household articles.

The Writ Petition is accordingly dismissed. No costs.

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(**V.V.S.RAO, J**)

20.04.2007
vs